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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,318	06/19/2003	Randy Salo	990598C1	9633

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

EL HADY, NABIL M

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,318

Applicant(s)

SALO ET AL.

Examiner

Nabil M El-Hady

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 1-18 are pending in this application.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,609,148, hereafter "148". Although the conflicting claims are not identical, they are not patentably distinct from each other because independent claim 1 in the instant application is the method claim for apparatus claim 26 of "148", and independent claim 10 of the instant application in the computer readable medium embodying the method of the apparatus claim 26 of "148". The limitation of dependent claims 2-9 and 11-18 in the instant application are similar to corresponding dependent claims in "148".

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebesta et al. (USPN 6,324,681 B1), hereafter "Sebesta".

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5. As to claims 1 and 6, Sebesta discloses a method comprising converting a plurality of data requests into a single higher level request and transmitting the higher level request over a data network (col. 5, lines 35-48; and col. 8, lines); receiving the higher level request and converting the higher level request to the plurality of data requests (col. 5, lines 48-54); and providing results of requests in response to receiving the plurality of data requests (col. 8, lines 33-35). In addition, Sebesta discloses an enterprise gateway server wherein the plurality of data requests is transmitted and query is returned (500, Fig. 5).

6. Sebesta does not necessarily disclose messaging and collaboration data service. However, Sebesta teaches that in order to utilize his invention, a service must be created first on the enterprise server such as retrieval of data from a database associated with the enterprise (col. 2, lines 47-50; and col. 7, lines 59-61). It would have been obvious to one skilled in the art at the time of the invention to consider such database as associated with messaging and collaboration service, including email, calendar, or contact information correspond to the plurality of data requests, in order to provide users with rapid and secure service from a remote enterprise.

7. As to claims 10 and 15, the claims are rejected for the same reasons as claims 1 and 6 above.

8. As to claims 2-5, 7, 11-14, and 16, Sebesta does not explicitly disclose that the data is transmitted over a private network, or the data is encrypted so as to form a virtual private network (VPN) between the enterprise gateway server and the remote gateway server, that the VPN is formed with a point-to-point Tunneling Protocol (PPTP) connection, that the VPN is

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formed using the Internet protocol Security Standard (IPSEC). Official notice is taken that both the concept and advantages of providing a private network is well known and expected in the art. It would have been obvious to one skilled in the art at the time of the invention to form a private network or a virtual private network (VPN) in order to upgrade the level of communication between the enterprise gateway server and the remote gateway server by providing efficient, secure, and direct lines of communication.

9. As to claims 8, 9, 17, and 18, Sebesta discloses producing the single higher-level request by a DCOM proxy program (col. 5, lines 44-48), and a DCOM stub program receives the higher-level request and converts it to the plurality of data requests (col. 5, lines 49-52).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anand et al. (US 5,974,416); Hunt (USPN 6,499,137 B1); Hunt (US 2002/0072830 A1); Szlam (USPN 6,359,892 B1); Deisinger et al. (USPN 6,397,220 B1); Birrell et al. (USPN 5,805,803); and Bowman-Amuah (USPN 6,496,850 B1); Gebauer (6,415,288); Singhal (US 6,256,666); Malkin et al. (US 6,061,650); and Page et al. (US 5,329,619).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (703) 308-7990. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 6, 2004

A handwritten signature in black ink, appearing to read "N. El-Hady", with a long diagonal stroke extending downwards and to the right.

Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
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